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HOUSE BILL 1246

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Scott, Taylor, G. Hunt, Griffey, Rodne, Young, Holy, McCaslin, Buys, and Magendanz

Read first time 01/16/15. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting citizens from the application of  
2 foreign laws that would result in a violation of a constitutional  
3 right; and adding a new section to chapter 1.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 1.20 RCW  
6 to read as follows:

7 (1) The legislature finds that Washington has a compelling state  
8 interest in protecting citizens and lawful residents within its  
9 borders from the application of a foreign law when the application of  
10 the foreign law would result in the violation of any right guaranteed  
11 by the Constitution of this state or of the United States, including  
12 but not limited to the rights of due process, freedom of religion,  
13 speech, and press, and the rights to privacy, property, and to bear  
14 arms in the defense of self or others.

15 (2) A court, arbitrator, administrative agency, and any other  
16 adjudicative, mediation, or enforcement authority may not enforce a  
17 foreign law if doing so would violate any right guaranteed by the  
18 Constitution of this state or of the United States.

19 (3)(a) If any contractual provision or agreement provides for the  
20 choice of a foreign law to govern its interpretation or the  
21 resolution of any dispute between the parties, and if the enforcement

1 or interpretation of the contractual provision or agreement would  
2 result in a violation of any right guaranteed by the Constitution of  
3 this state or of the United States, the agreement or contractual  
4 provision must be modified or amended to the extent necessary to  
5 preserve the constitutional rights of the parties.

6 (b) If any contractual provision or agreement provides for the  
7 choice of venue or forum outside of the states or territories of the  
8 United States, and if the enforcement or interpretation of the  
9 contract or agreement applying that choice of venue or forum  
10 provision would result in a violation of any right guaranteed by the  
11 Constitution of this state or of the United States, that contractual  
12 provision or agreement must be interpreted or construed to preserve  
13 the constitutional rights of the natural person against whom  
14 enforcement is sought. Similarly, if a natural person subject to  
15 personal jurisdiction in this state seeks to maintain litigation,  
16 arbitration, administrative, or similarly binding proceedings in this  
17 state, and if a court of this state finds that granting a claim of  
18 forum non conveniens or a related claim would violate any  
19 constitutional right of the nonclaimant in the foreign forum with  
20 respect to the matter in dispute, the claim must be denied.

21 (c) Any contractual provision or agreement incapable of being  
22 modified or amended in order to preserve the constitutional rights of  
23 the parties pursuant to the provisions of this section is null and  
24 void and unenforceable as against the public policy of this state.

25 (4) Without prejudice to any other legal right, this section does  
26 not apply when an entity other than a natural person is a party to  
27 the contract or agreement.

28 (5) The public policies expressed in this section apply only if  
29 the application of foreign law would violate or would more likely  
30 than not violate any constitutional right of a natural person.

31 (6) For the purposes of this section:

32 (a) "Foreign law" means any law, rule, or legal code or system  
33 established and used or applied in a jurisdiction outside of the  
34 states or territories of the United States.

35 (b) "Natural person" means a human being.

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